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Attorneys for Defendant
COUNTY OF SAN LUIS OBISPO

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

SAN LUIS OBISPO COASTKEEPER,
LOS PADRES FORESTWATCH,
CALIFORNIA COASTKEEPER
ALLIANCE, and THE ECOLOGICAL
RIGHTS FOUNDATION,

Plaintiffs,

vs.

COUNTY OF SAN LUIS OBISPO,
Defendant.

Case No: 2:24-cv-06854 SPG (ASx)

**DEFENDANT COUNTY OF SAN
LUIS OBISPO'S PRELIMINARY
INJUNCTION COMPLIANCE
STATEMENT RE FINAL
STEELHEAD PASSAGE
BARRIERS PLAN**

Date Action Filed: August 13, 2024
Date First Amended Complaint Filed:
December 27, 2024

1 On November 27, 2024, the Court granted, in part, Plaintiffs' Motion for
2 Preliminary Injunction. ECF No. 54. On December 9, 2024, the Court issued its
3 Preliminary Injunction Order. ECF No. 58. The Preliminary Injunction Order
4 obligates Defendant County of San Luis Obispo ("County") to undertake a variety
5 of tasks, and in many cases establishes a specific deadline by which the tasks must
6 be completed. As required by paragraph 14 in the Court's Preliminary Injunction
7 Order, the County prepared and submitted a Proposed Steelhead Passage Barriers
8 Plan to the Court, Plaintiffs, and personnel at the National Marine Fisheries Service
9 ("NMFS") and U.S. Fish and Wildlife Service ("USFWS"). ECF Nos. 128, 128-1,
10 128-2. As required by the Preliminary Injunction Order, the County requested that
11 NMFS and USFWS review and comment upon the Proposed Steelhead Passage
12 Barriers Plan, and specifically requested that NMFS and USFWS provide
13 recommendations concerning removal or modification of Steelhead passage barriers
14 in Arroyo Grande Creek. ECF No. 128-2. The County requested comments from
15 NMFS and USFWS by June 23, 2025, *id.*, in light of the requirement in the Court's
16 Preliminary Injunction Order to submit a Final Steelhead Passage Barriers Plan by
17 June 30, 2025 that incorporated any recommendations from NMFS or USFWS, or
18 any recommended revisions by Plaintiffs that NMFS endorses. ECF No. 58, ¶ 15.

19 After 6 p.m. on June 23, 2025, Plaintiffs submitted comments to NMFS and
20 USFWS on the Proposed Steelhead Passage Barriers Plan. To date, neither NMFS
21 nor USFWS has responded to the County's request for comments or
22 recommendations regarding the Proposed Steelhead Passage Barriers Plan. NMFS
23 has also not endorsed any of Plaintiffs' recommended revisions to the Proposed
24 Steelhead Passage Barriers Plan. The County notes that in response to the County's
25 request for comments on the Proposed Lopez Dam Release Plan, both NMFS and
26 USFWS advised that the agencies do not intend to review or provide comments on
27 any of the plans discussed in the Court's Preliminary Injunction Order. ECF Nos.
28 72-1, 78-1.

1 After considering the comments from Plaintiffs, and further review of the
2 Court's Order Granting in Part Plaintiffs' Motion for Preliminary Injunction, ECF
3 No. 54, and the Court's Preliminary Injunction Order, ECF No. 58, the County has
4 made revisions to the Proposed Steelhead Passage Barriers Plan and adopted the
5 Final Steelhead Passage Barriers Plan incorporating those revisions. A copy of the
6 Final Steelhead Passage Barriers Plan is attached as Exhibit A to this Compliance
7 Statement.

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10 Date: June 30, 2025

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14 By: /s/ Benjamin Z. Rubin

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16 Attorneys for Defendant
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